

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

QBE INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	04-0067-BH-C
THOMAS NORRIS, et al.,)	
)	
Defendants.)	

ORDER

This declaratory judgment action is again before the Court on a motion to dismiss (Doc. 21) filed by the defendant, Thomas Norris, who asserts insufficiency of service of process and failure to serve within 120 days after the filing of the complaint as required by Fed.R.Civ.P. 4(m). Upon consideration of the motion, plaintiff's response in opposition thereto (Doc. 25), and all other pertinent portions of the record, the Court concludes and it is therefore **ORDERED** that Norris's motion is due to be and is hereby **DENIED** for the reasons stated by the plaintiff, QBE Insurance Company ("QBE"). The Court specifically concludes that QBE had good cause for not serving Norris within the 120 days of filing the complaint and that an extension of time within which to perfect service on Norris is warranted. It is therefore **FURTHER ORDERED** that QBE be and is hereby **GRANTED** an extension of time to and including May 20, 2005, within which to perfect service on Norris and that Norris now **ANSWER** the Complaint **on or before June 2, 2005**.

In view of the above, it is **FURTHER ORDERED** that the Preliminary Scheduling Order entered on April 4, 2005 (Doc. 15) be and is hereby **REINSTATED** in that the parties are now required to meet and issue a report pursuant to Fed.R.Civ.P. 26(f) **no later that June 2, 2005.**

DONE this 26th day of May, 2005.

s/ W. B. Hand
SENIOR DISTRICT JUDGE